

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:12-cv-00018-MR-DLH**

J. TEDD SMITH,

Plaintiff,

vs.

E&E CO., LTD.,,

Defendant.

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ORDER

THIS MATTER is before the Court on the Defendant's Request for Trial Date Protection [Doc. 24].

The Defendant requests that the Court not call this case for trial prior to May 28, 2013 due to the apparent unavailability of the Defendant's owner, Edmund Jin, prior to that date. [Doc. 24]. This matter is currently scheduled for trial during the Court's May 13, 2013 term. The parties were advised in the Pretrial Order and Case Management Plan that the case would be set for trial during the first civil trial session on or after May 13, 2013. [Doc. 15]. Thus, the Defendant has been on notice since March 2012 of this trial setting. The May 13 Term is a two-week mixed criminal/civil term. This has been posted on the Court's master calendar (available through the Court's website) for several months. Thus, the


Defendant has known or at least should have known that the May 13, 2013 term ends on May 24, 2013.

As the Defendant notes in its Motion, the parties have completed discovery and mediation, and this case is ready for trial. The Defendant has not stated any good cause why this case should be continued from its present trial setting.

Accordingly, **IT IS, THEREFORE, ORDERED** that the Defendant's Request for Trial Date Protection [Doc. 24] is **DENIED**.

IT IS SO ORDERED.

Signed: March 22, 2013


Martin Reidinger
United States District Judge

